

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SOFTRAX CORPORATION,

Plaintiff,

v.

PATRICK RASICOT,

Defendant.

Civil Action No. 05-11789-JLT

**MOTION FOR A PROTECTIVE ORDER AND TO
VACATE SUPERIOR COURT SCHEDULING ORDER**

Defendant Patrick Rasicot (“Rasicot”) hereby moves (1) for a protective order holding in abeyance all discovery in this action until either a summary judgment decision issues or a scheduling order is entered by this Court, and (2) to vacate the scheduling order that was entered by the Massachusetts Superior Court (Norfolk County) prior to the removal of this case to this Court. In support of his Motion, Rasicot relies upon the accompanying Memorandum of Law.

WHEREFORE, Rasicot respectfully requests that the Court issue a protective order holding in abeyance all discovery in this action until the Court enters a scheduling order pursuant to Fed. R. Civ. P. 16 or issues a summary judgment decision and vacate the scheduling order previously entered by the Massachusetts Superior Court.

Dated: September 15, 2005

Respectfully submitted,

PATRICK RASICOT

By his attorneys
BIRNBAUM & GODKIN, LLP

/s/Melissa M. Longo

Scott A. Birnbaum (BBO# 543834)

Robert N. Feldman (BBO# 630734)

Melissa M. Longo (BBO # 647649)

Birnbaum & Godkin, LLP

280 Summer Street

Boston, MA 02210

Tel: 617-307-6100

Fax: 617-307-6101

CERTIFICATE OF LOCAL RULE 7.1(2) CONFERRAL

I hereby certify that I conferred with counsel for Softrax Corporation and attempted in good faith to resolve or narrow the issues presented by Patrick Rasicot's Motion for Protective Order.

/s/ Melissa M. Longo

Melissa M. Longo